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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. A02-0214 CV (JKS)
)	
ZELMER HYDEN, et al.,)	
)	
Defendants.)	
_____)	

**AFFIDAVIT OF CHARLIE DAVIS IN SUPPORT
OF OPPOSITION TO MOTION FOR ATTORNEY'S FEES**

STATE OF ALASKA)
) ss
FIRST JUDICIAL DISTRICT)

I, Charlie Davis, being first duly sworn, depose and states as follows:

1. My name is Charlie J. Davis, Jr. I am the Plaintiff in this matter. I am currently 74 years old, and my date of birth is May 17, 1932.

2. I filed this action in August, 2002 while I was incarcerated at Palmer Correctional Center. At the time, I asked for and was granted, leave to file the case *in forma pauperis*.

3. I understand that Defendants are seeking to recover attorney's fees from me because I filed this claim for violation of my civil rights. I believe that an award of attorney's fees against me would be extremely unfair. I brought this action because the medical care I received at Palmer Correctional Center was inadequate given my heart condition. I understand that since this lawsuit was filed, changes have been made to the medical program at Palmer Correctional Center. According to my sources, nursing care is now provided around the clock (one of my grievances), and medication is only dispensed by the nursing staff (rather than the COs). Under the circumstances, I believe that my claim brought heightened awareness to the medical needs of prisoners at Palmer Correction Center, and was certainly not brought for frivolous reasons.

4. Since I was released from State custody in 2002, I have been unemployed. I live on a modest Social Security check, my Alaska Permanent Fund Dividend, and other government aide. My medical care is provided through the Veteran's Administration and Medicare. If a judgment were to be entered against me for costs and attorney's fees, I would have no ability to pay it.

Dated this ____ day of December 2006 at Haines, Alaska.

Charlie Davis

SUBSCRIBED AND SWORN to before me this ____ day of December 2006,
at _____, Alaska.

Notary Public in and for Alaska
My Commission Expires: _____